

**ORIGINAL**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
COLUMBIA PICTURES INDUSTRIES, INC.  
SONY PICTURES RELEASING CORPORATION,  
SONY PICTURES HOME ENTERTAINMENT INC.,  
and MARVEL CHARACTERS, INC.

07 Civ. 3597

Plaintiffs,

**VERIFIED ANSWER  
TO AMENDED COMPLAINT**

-against-

DAVID COHEN, sued herein as JOHN DOE  
No.1, YAACOV COHEN, sued herein as  
JOHN DOE No.2, PETER HU, sued herein as  
JOHN DOE No.3, RUIHU ZHENG, sued herein as  
JOHN DOE No.4, ANWAR ALAM, sued herein as  
JOHN DOE No. 5, MICHAEL MARVISI, sued herein  
as JOHN DOE No.6, ROBERT BECHT, as Trustee  
under the Last Will and Testament of  
Vincent Terranova, sued herein as  
JOHN DOE No.7, EDWARD T. BORG, as Trustee  
under the Last Will and Testament of  
Vincent Terranova, sued herein as  
JOHN DOE No. 8, GEORGE TERRANOVA, as  
Trustee under the Last Will and Testament  
of Vincent Terranova, sued herein as  
JOHN DOE No.9, CARL TERRANOVA, as Trustee  
under the Last Will and Testament of  
Vincent Terranova, sued herein as  
JOHN DOE No. 10, THE ESTATE OF VINCENT  
TERRANOVA, sued herein as JOHN DOE No.11,  
JOHN and JANE DOE Nos. 12 through 100,  
365 CANAL CORP., sued herein as XYZ Co. No.1,  
WANG DA INC. d/b/a WANG DA GIFT SHOP,  
sued herein as XYZ Co. No. 2,  
SYED TRADING CORP., Sued herein as  
XYZ Co. No. 3, JUN YI SERVICES  
COMPANY, sued herein as XYZ Co. No. 4,  
AMSTERDAM BOUTIQUE INC., sued herein as  
XYZ Co. No. 5, CANAL STREET DESIGNS, INC.,  
Sued herein as XYZ Co. No. 6, JAVIN CANAL  
REALTY, INC., sued herein as XYZ Co. No. 7,  
and XYZ Company Nos. 8 through 100,

Defendants.

-----x  
Defendant, JAVIN CANAL REALTY, INC. by Smith & Shapiro, its  
attorneys, as and for its answer to plaintiff's Amended Complaint

(hereinafter referred to as the "Complaint"), respectfully states, as follows:

1. Denies sufficient knowledge or information to form a belief with respect to paragraphs 1 through 5, 7 through 24, 28, and 31 through 95, inclusive, of the Complaint.

2. Denies each and every allegation contained in paragraphs 26, and 96 through 109, inclusive, of the Complaint.

3. Denies, except to the extent previously admitted, the allegations contained in paragraphs 6 and 27 of the Complaint.

4. Leave to the Court to determine the applicability of the laws and statutes referred to in paragraphs 29 and 30 of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

5. Plaintiff failed to provide the answering defendant with predicate written notice of its alleged tenant's unlawful activities.

6. That as a result of the plaintiff's failure to provide such predicate notice, the vicarious liability claimed in the Complaint did not attach to the answering defendant landlord.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. That the tenant who allegedly engaged in the unlawful activities referred to in the Complaint has vacated the building owned by the answering defendant.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. That New York State law requires that notice be given to an owner of a building where an illegal activity his being conducted by a tenant in its building.

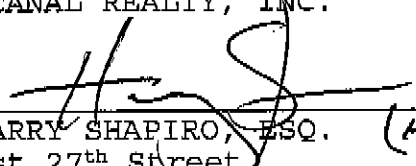
9. That no notice was given to the answering defendant of any wrongdoing, or any illegal activity being conducted by any tenant in the answering defendant's building.

10. That the State of New York does not have a "strict liability" or "strict vicarious liability" theory(ies) under which an owner automatically becomes liable for wrongful acts, or illegal conduct by its tenants.

**WHEREFORE**, it is respectfully requested that the Complaint be dismissed against the answering defendant, together with costs and disbursements of this action.

Dated: New York, New York  
July 25, 2007 Yours etc.,

**SMITH & SHAPIRO**  
Attorneys for Defendant  
JAVIN CANAL REALTY, INC.

By:   
HARRY SHAPIRO, ESQ. (HS 3384)  
116 East 27<sup>th</sup> Street  
New York, New York 10016  
(212) 685-6400

TO: **MOSES & SINGER LLP**  
Attorneys for Plaintiff  
405 Lexington Avenue  
New York, New York 10174-1299  
(212) 554-7800

**LEAH TERRANOVA, ESQ.**  
120 Walker Street  
New York, New York 10013

**HUGH H. MO, ESQ.**  
225 Broadway, Suite 2702  
New York, New York 10007

**WEISBERG & WEISBERG**  
98 Cutter Mill Road  
Great Neck, New York 11021

CORPORATE VERIFICATION

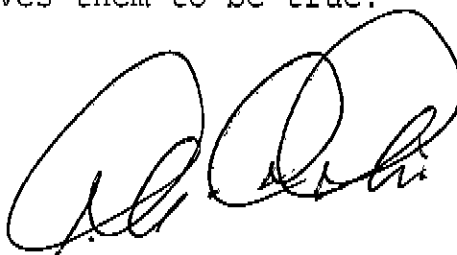
STATE OF NEW YORK     )  
                              ) ss.:  
COUNTY OF NEW YORK    )

CHRIS CHIN, being duly sworn, deposes and says that deponent is the President of Defendant, JAVIN CANAL REALTY, INC., in the within proceeding; that deponent has read the foregoing Answer, and knows the contents thereof; that the same are true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

Sworn to before me this  
July 25, 2007



Notary Public HAROLD FRECHTER  
Notary Public, State of New York  
No. 30-5006507  
Qualified in Nassau County  
Commission Expires January 4, 2011



CHRIS CHIN

**AFFIDAVIT OF SERVICE**

HARRY SHAPIRO, an attorney at law duly admitted to practice before the Courts of the State of New York, affirms under the penalty of perjury and states:

On July 25, 2007, I served a copy of the attached Notice of Entry by depositing a true and correct copy of same enclosed in a postpaid, properly addressed wrapper, in a depository under the exclusive care and custody of the United States Postal Service within the State of New York to:

**MOSES & SINGER LLP**  
Attorneys for Plaintiff  
405 Lexington Avenue  
New York, New York 10174-1299  
(212)554-7800

**LEAH TERRANOVA, ESQ.**  
120walker Street  
New York, New York 10013

**HUGH H. MO, ESQ.**  
225 Broadway, Suite 2702  
New York, New York 10007

**WEISBERG & WEISBERG**  
98 Cutter Mill Road  
Great Neck, New York 11021

Dated: New York, New York  
July 25, 2007

  
\_\_\_\_\_  
HARRY SHAPIRO

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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COLUMBIA PICTURES INDUSTRIES, INC.  
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d/b/a WANG DA GIFT SHOP, sued herein as  
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Defendants.

=====

VERIFIED ANSWER

=====

SMITH & SHAPIRO  
Attorneys for Defendant  
JAVIN CANAL REALTY, INC.  
116 East 27<sup>th</sup> Street, 3<sup>rd</sup> Floor  
New York, New York 10016  
(212) 685-6400